

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

No. 1:18-cv-01776-JRT-HB

In Re Pork Antitrust Litigation
This Document Relates to: All Actions

**DECLARATION OF PETER J. SCHWINGLER IN SUPPORT OF MOTION TO
DISMISS OF DEFENDANTS SEABOARD FOODS LLC AND SEABOARD
CORPORATION**

I, Peter J. Schwingler, declare as follows:

1. I am an attorney at the law firm Stinson LLP, which represents Defendants Seaboard Foods LLC and Seaboard Corporation in this matter.

2. Attached as Exhibit A is a true and correct copy of Tia Heidenbrecht, *New Pork Processing Plant Adds Second Shift in Sioux City*, KTIV.com (Feb. 17, 2017), <http://ktiv.com/story/34534148/2017/02/Friday/seaboardtriumph-foods-announces-plans-to-expand-pork-processing-plant-in-sioux-city> (last accessed August 20, 2018). The article is cited in the Direct Purchaser and Commercial Indirect Purchaser complaints. *See, eg.*, DPP TAC ¶ 163; CIP TAC ¶ 167.

3. Attached as Exhibit B is a true and correct copy of Jeff DeYoung, *Pork Packing Capacity Faces Delays to Growth*, Iowa Farmer Today (June 2, 2018), https://www.agupdate.com/iowafarmertoday/news/livestock/pork-packing-capacity-faces-delays-togrowth/article_f86fde7e-64dc-11e8-b288-475ac8083072.html (last accessed October 23, 2018). The article is cited in the Direct Purchaser and Commercial Indirect Purchaser, and Winn-Dixie complaints. *See, eg.*, DPP TAC ¶ 163; CIP TAC ¶ 167; Winn-Dixie SAC ¶ 181.

4. Attached as Exhibit C is a true and correct copy of Seaboard Corporation's 2013 Annual Report. The report is cited in the Direct Purchaser, Commercial Indirect Purchaser, and Winn-Dixie Complaints. *See, e.g.*, DPP TAC ¶ 129; CIP TAC ¶ 133; Winn-Dixie SAC ¶ 129.

I declare under penalty of perjury of the laws of the United States that everything I have stated in this document is true and correct. Executed on January 14, 2020 in Hennepin County, Minnesota.

/s/ Peter J. Schwingler

Peter J. Schwingler